

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 1-10 and 17-19 are in the case.

I. THE 35 U.S.C. §112, SECOND PARAGRAPH, REJECTION

Claims 1-10, 12-14 and 17-21 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite for the reasons detailed beginning on page 2 of the Action. The claims have been amended in response to this rejection, the following comments are offered.

Claims 12-14, 20 and 21 have been cancelled without prejudice. The rejection with respect to those claims has therefore been rendered moot.

With reference to the remaining claims, amendments have been effected which are essentially along the lines suggested by the Examiner. With regard to claim 8, it is believed that no antecedent basis objection arises. When a feature is recited in the plural, it is proper to introduce them as in claim 8, since the use of the indefinite article "a" is grammatically improper in this situation.

With reference to claim 17, the use of the word "cleaving" is grammatically proper in that situation. With regard to claim 19, it is not understood why the metes and bounds of "tandem CCR5 RNA and CXCR4 RNA-cleaving sequences" cannot be determined. The Examiner has provided no reasoning for this assertion. The expression "tandem" is a frequently utilized term in the field of recombinant DNA technology and appears in the claims of numerous issued U.S. patents in association with RNA technology (see, for example, U.S. Patents 5,500,357; 5,397,698; 5,739,310;

5,773,244, and others which can be readily retrieved by searching on the U.S. Patent and Trademark Office website in respect to patents containing claims which utilize the expression "tandem" in association with RNA). Absent further explanation by the Examiner as to why the subject matter of claim 19 is indefinite, it is believed that if this aspect of the formal rejection should be withdrawn.

Withdrawal of the outstanding 35 U.S.C. §112, second paragraph, rejection is now believed to be in order. Such action is respectfully requested.

II. THE 35 U.S.C. §112, FIRST PARAGRAPH, REJECTION

Claims 3 and 4 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. In response, and without conceding to the merit of this rejection, claim 3 has been amended to incorporate the subject matter of claim 5, and claim 5 has been cancelled without prejudice. Withdrawal of the 35 U.S.C. §112, first paragraph, rejection of claims 3 and 4 is now respectfully requested.

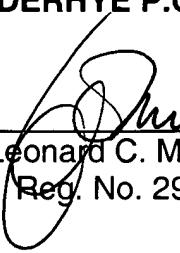
Claims 12-14, 20 and 21 stand rejected under 35 U.S.C. §112, first paragraph, for the reasons detailed in the paragraphs bridging pages 5 and 6 of the Action. In response, and without conceding to the merit of this rejection, claims 12-14, 20 and 21 have been cancelled without prejudice to the possibility of pursuing that subject matter in a separate continuing application. Withdrawal of this rejection is now respectfully requested.

EAGLES et al
Appl. No. 09/880,821
April 15, 2004

Allowance of the application is awaited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Leonard C. Mitchard
Reg. No. 29,009

LCM:Ifm
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100